

AMENDED IN ASSEMBLY NOVEMBER 1, 2009

CALIFORNIA LEGISLATURE—2009–10 SEVENTH EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 10

Introduced by Assembly Member Bass
(Principal coauthor: Assembly Member Huffman)

October 29, 2009

~~An act to add Section 10920 to the Water Code, relating to groundwater. An act to repeal and add Section 12924 of, and to add Part 2.11 (commencing with Section 10920) to Division 6 of, the Water Code, relating to groundwater.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 10, as amended, Bass. Groundwater.

(1) Existing law authorizes a local agency whose service area includes a groundwater basin that is not subject to groundwater management to adopt and implement a groundwater management plan pursuant to certain provisions of law. Existing law requires a groundwater management plan to include certain components to qualify as a plan for the purposes of those provisions, including a provision that establishes funding requirements for the construction of certain groundwater projects.

This bill would establish a groundwater monitoring program pursuant to which specified entities, in accordance with prescribed procedures, may propose to be designated by the Department of Water Resources as groundwater monitoring entities, as defined, for the purposes of monitoring and reporting with regard to groundwater elevations in all or part of a basin or subbasin, as defined. The bill would require the department to work cooperatively with each monitoring entity to determine the manner in which groundwater elevation information

should be reported to the department. The bill would authorize the department to make recommendations for improving an existing monitoring program, and to require additional monitoring wells under certain circumstances. If the department makes a specified determination with regard to a basin or subbasin, the department would be required to notify the counties within which that basin or subbasin is located. Upon such notification, the counties would be required to take certain action related to groundwater monitoring, thereby imposing a state-mandated local program. Under certain circumstances, specified entities with authority to assume groundwater monitoring functions with regard to a basin or subbasin would not be eligible for a water grant or loan awarded or administered by the state, unless certain actions occur.

(2) Existing law requires the Department of Water Resources to conduct an investigation of the state's groundwater basins and to report its findings to the Governor and the Legislature not later than January 1, 1980.

This bill would repeal that provision. The department would be required to conduct an investigation of the state's groundwater basins and to report its findings to the Governor and the Legislature not later than January 1, 2012, and every 5 years thereafter.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law requires the Department of Water Resources to conduct an investigation of the state's groundwater basins and to report its findings to the Governor and the Legislature not later than January 1, 1980.~~

~~This bill would require the department to collect all available information as to the conditions of the state's groundwater information and produce a report on those conditions by January 1, 2012.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Part 2.11 (commencing with Section 10920) is*
2 *added to Division 6 of the Water Code, to read:*

3
4 *PART 2.11. GROUNDWATER MONITORING*

5
6 *CHAPTER 1. GENERAL PROVISIONS*

7
8 10920. (a) *It is the intent of the Legislature that on or before*
9 *January 1, 2012, groundwater elevations in all groundwater basins*
10 *and subbasins be regularly and systematically monitored locally*
11 *and that the resulting groundwater information be made readily*
12 *and widely available.*

13 (b) *It is further the intent of the Legislature that the department*
14 *continue to maintain its current network of monitoring wells,*
15 *including groundwater elevation and groundwater quality*
16 *monitoring wells, and that the department continue to coordinate*
17 *monitoring with local entities.*

18 10921. *This part does not require the monitoring of*
19 *groundwater elevations in an area that is not within a basin or*
20 *subbasin.*

21 10922. *This part does not expand or otherwise affect the powers*
22 *or duties of the department relating to groundwater beyond those*
23 *expressly granted by this part.*

24
25 *CHAPTER 2. DEFINITIONS*

26
27 10925. *Unless the context otherwise requires, the definitions*
28 *set forth in this section govern the construction of this part.*

29 (a) *“Basin” or “subbasin” means a groundwater basin or*
30 *subbasin identified and defined in the department’s Bulletin No.*
31 *118.*

32 (b) *“Bulletin No. 118” means the department’s report entitled*
33 *“California’s Groundwater: Bulletin 118” updated in 2003, or as*
34 *it may be subsequently updated or revised in accordance with*
35 *Section 12924.*

36 (c) *“Monitoring entity” means a party conducting or*
37 *coordinating the monitoring of groundwater elevations pursuant*
38 *to this part.*

1 (d) “Monitoring functions” and “groundwater monitoring
2 functions” means the monitoring of groundwater elevations, the
3 reporting of those elevations to the department, and other related
4 actions required by this part.

5 (e) “Monitoring groundwater elevations” means monitoring
6 groundwater elevations, coordinating the monitoring of
7 groundwater elevations, or both.

8 (f) “Voluntary cooperative groundwater monitoring
9 association” means an association formed for the purposes of
10 monitoring groundwater elevations pursuant to Section 10935.

11
12 *CHAPTER 3. GROUNDWATER MONITORING PROGRAM*
13

14 10927. Any of the following entities may assume responsibility
15 for monitoring and reporting groundwater elevations in all or a
16 part of a basin or subbasin in accordance with this part:

17 (a) A watermaster or water management engineer appointed
18 by a court or pursuant to statute to administer a final judgment
19 determining rights to groundwater.

20 (b) (1) A groundwater management agency with statutory
21 authority to manage groundwater pursuant to its principal act that
22 is monitoring groundwater elevations in all or a part of a
23 groundwater basin or subbasin on or before January 1, 2010.

24 (2) A water replenishment district established pursuant to
25 Division 18 (commencing with Section 60000). This part does not
26 expand or otherwise affect the authority of a water replenishment
27 district relating to monitoring groundwater elevations.

28 (c) A local agency that is managing all or part of a groundwater
29 basin or subbasin pursuant to Part 2.75 (commencing with Section
30 10750) and that was monitoring groundwater elevations in all or
31 a part of a groundwater basin or subbasin on or before January
32 1, 2010, or a local agency or county that is managing all or part
33 of a groundwater basin or subbasin pursuant to any other legally
34 enforceable groundwater management plan with provisions that
35 are substantively similar to those described in that part and that
36 was monitoring groundwater elevations in all or a part of a
37 groundwater basin or subbasin on or before January 1, 2010.

38 (d) A local agency that is managing all or part of a groundwater
39 basin or subbasin pursuant to an integrated regional water
40 management plan prepared pursuant to Part 2.2 (commencing

1 with Section 10530) that includes a groundwater management
2 component that complies with the requirements of Section 10753.7.

3 (e) A county that is not managing all or a part of a groundwater
4 basin or subbasin pursuant to a legally enforceable groundwater
5 management plan with provisions that are substantively similar
6 to those described in Part 2.75 (commencing with Section 10750).

7 (f) A voluntary cooperative groundwater monitoring association
8 formed pursuant to Section 10935.

9 10928. (a) Any entity described in subdivision (a) or (b) of
10 Section 10927 that seeks to assume groundwater monitoring
11 functions in accordance with this part shall notify the department,
12 in writing, on or before January 1, 2011. The notification shall
13 include all of the following information:

14 (1) The entity's name, address, telephone number, and any other
15 relevant contact information.

16 (2) The specific authority described in Section 10927 pursuant
17 to which the entity qualifies to assume the groundwater monitoring
18 functions.

19 (3) A map showing the area for which the entity is requesting
20 to perform the groundwater monitoring functions.

21 (4) A statement that the entity will comply with all of the
22 requirements of this part.

23 (b) Any entity described in subdivision (c), (d), (e), or (f) of
24 Section 10927 that seeks to assume groundwater monitoring
25 functions in accordance with this part shall notify the department,
26 in writing, by January 1, 2011. The information provided in the
27 notification shall include all of the following:

28 (1) The entity's name, address, telephone number, and any other
29 relevant contact information.

30 (2) The specific authority described in Section 10927 pursuant
31 to which the entity qualifies to assume the groundwater monitoring
32 functions.

33 (3) For entities that seek to qualify pursuant to subdivision (c)
34 or (d) of Section 10927, the notification shall also include a copy
35 of the current groundwater management plan or the groundwater
36 component of the integrated regional water management plan, as
37 appropriate.

38 (4) For entities that seek to qualify pursuant to subdivision (f)
39 of Section 10927, the notification shall include a statement of
40 intention to meet the requirements of Section 10935.

1 (5) A map showing the area for which the entity is proposing
2 to perform the groundwater monitoring functions.

3 (6) A statement that the entity will comply with all of the
4 requirements of this part.

5 (7) A statement describing the ability and qualifications of the
6 entity to conduct the groundwater monitoring functions required
7 by this part.

8 (c) The department may request additional information that it
9 deems necessary for the purposes of determining the area that is
10 proposed to be monitored or the qualifications of the entity to
11 perform the groundwater monitoring functions.

12 10929. (a) (1) The department shall review all notifications
13 received pursuant to Section 10928.

14 (2) Upon the receipt of a notification pursuant to subdivision
15 (a) of Section 10928, the department shall verify that the notifying
16 entity has the appropriate authority under subdivision (a) or (b)
17 of Section 10927.

18 (3) Upon the receipt of a notification pursuant to subdivision
19 (b) of Section 10928, the department shall do both of the following:

20 (A) Verify that each notification is complete.

21 (B) Assess the qualifications of the notifying party.

22 (b) If the department has questions about the completeness or
23 accuracy of a notification, or the qualifications of a party, the
24 department shall contact the party to resolve any deficiencies. If
25 the department is unable to resolve the deficiencies, the department
26 shall notify the party in writing that the notification will not be
27 considered further until the deficiencies are corrected.

28 (c) If the department determines that more than one party seeks
29 to become the monitoring entity for the same portion of a basin or
30 subbasin, the department shall consult with the interested parties
31 to determine which party will perform the monitoring functions.
32 In determining which party will perform the monitoring functions
33 under this part, the department shall follow the order in which
34 entities are identified in Section 10927.

35 (d) The department shall advise each party on the status of its
36 notification within three months of receiving the notification.

37 10930. Upon completion of each review pursuant to Section
38 10929, the department shall do both of the following if it determines
39 that a party will perform monitoring functions under this part:

1 (a) Notify the party in writing that it is a monitoring entity and
2 the specific portion of the basin or subbasin for which it shall
3 assume groundwater monitoring functions.

4 (b) Post on the department's Internet Web site information that
5 identifies the monitoring entity and the portion of the basin or
6 subbasin for which the monitoring entity will be responsible.

7 10931. (a) The department shall work cooperatively with each
8 monitoring entity to determine the manner in which groundwater
9 elevation information should be reported to the department
10 pursuant to this part. In determining what information should be
11 reported to the department, the department shall defer to existing
12 monitoring programs if those programs result in information that
13 demonstrates seasonal and long-term trends in groundwater
14 elevations. The department shall collaborate with the State
15 Department of Public Health to ensure that the information
16 reported to the department will not result in the inappropriate
17 disclosure of the physical address or geographical location of
18 drinking water sources, storage facilities, pumping operational
19 data, or treatment facilities.

20 (b) (1) For the purposes of this part, the department may
21 recommend improvements to an existing monitoring program,
22 including recommendations for additional monitoring wells.

23 (2) The department may not require additional monitoring wells
24 unless funds are provided for that purpose.

25 10932. Monitoring entities shall commence monitoring and
26 reporting groundwater elevations pursuant to this part on or before
27 January 1, 2012.

28 10933. (a) On or before January 1, 2012, the department shall
29 commence to identify the extent of monitoring of groundwater
30 elevations that is being undertaken within each basin and subbasin.

31 (b) The department shall prioritize groundwater basins and
32 subbasins for the purpose of implementing this section. In
33 prioritizing the basins and subbasins, the department shall, to the
34 extent data are available, consider all of the following:

35 (1) The population overlying the basin or subbasin.

36 (2) The rate of current and projected growth of the population
37 overlying the basin or subbasin.

38 (3) The number of public supply wells that draw from the basin
39 or subbasin.

1 (4) *The total number of wells that draw from the basin or*
2 *subbasin.*

3 (5) *The irrigated acreage overlying the basin or subbasin.*

4 (6) *The degree to which persons overlying the basin or subbasin*
5 *rely on groundwater as their primary source of water.*

6 (7) *Any documented impacts on the groundwater within the*
7 *basin or subbasin, including overdraft, subsidence, saline intrusion,*
8 *and other water quality degradation.*

9 (8) *Any other information determined to be relevant by the*
10 *department.*

11 (c) *If the department determines that all or part of a basin or*
12 *subbasin is not being monitored pursuant to this part, the*
13 *department shall do all of the following:*

14 (1) *Attempt to contact all well owners within the area not being*
15 *monitored.*

16 (2) *Determine if there is an interest in establishing any of the*
17 *following:*

18 (A) *A groundwater management plan pursuant to Part 2.75*
19 *(commencing with Section 10750).*

20 (B) *An integrated regional water management plan pursuant*
21 *to Part 2.2 (commencing with Section 10530) that includes a*
22 *groundwater management component that complies with the*
23 *requirements of Section 10753.7.*

24 (C) *A voluntary groundwater monitoring association pursuant*
25 *to Section 10935.*

26 (d) *If the department determines that there is sufficient interest*
27 *in establishing a plan or association described in paragraph (2)*
28 *of subdivision (c), or if the county agrees to perform the*
29 *groundwater monitoring functions in accordance with this part,*
30 *the department shall work cooperatively with the interested parties*
31 *to comply with the requirements of this part within two years.*

32 (e) (1) *If the department determines, with regard to a basin or*
33 *subbasin, that there is insufficient interest in establishing a plan*
34 *or association described in paragraph (2) of subdivision (c), the*
35 *department shall notify the county or counties within which the*
36 *basin or subbasin is located, in whole or in part, of that*
37 *determination.*

38 (2) *Any county notified by the department pursuant to paragraph*
39 *(1) that there is insufficient interest in establishing a plan or*
40 *association described in paragraph (2) of subdivision (c) shall,*

1 *within two years of notification by the department, do one of the*
2 *following:*

3 *(A) Form or facilitate the formation of a plan or association*
4 *described in paragraph (2) of subdivision (c) to perform the*
5 *groundwater monitoring functions in accordance with this part.*

6 *(B) Perform the groundwater monitoring functions in*
7 *accordance with this part.*

8 *10933.5. (a) If a county is notified pursuant to subdivision (e)*
9 *of Section 10933 and fails to undertake one of the two actions*
10 *described in paragraph (2) of subdivision (e) of Section 10933,*
11 *the county and the entities described in subdivisions (a) to (d),*
12 *inclusive, of Section 10927 shall not be eligible for a water grant*
13 *or loan awarded or administered by the state until either of the*
14 *following occurs:*

15 *(1) The county complies with paragraph (2) of subdivision (e)*
16 *of Section 10933.*

17 *(2) One of the entities described in Section 10927, with regard*
18 *to that basin or subbasin, agrees to perform groundwater*
19 *monitoring functions in accordance with this part.*

20 *(b) Notwithstanding subdivision (a), the department shall*
21 *determine that an entity described in subdivision (a) is eligible for*
22 *a water grant or loan under the circumstances described in*
23 *subdivision (a) if the entity has submitted to the department for*
24 *approval documentation demonstrating that its entire service area*
25 *qualifies as a disadvantaged community.*

26 *10934. For purposes of this part, any entity described in Section*
27 *10927 shall not have the authority to do either of the following:*

28 *(a) To enter private property without the consent of the property*
29 *owner.*

30 *(b) To require a private property owner to submit groundwater*
31 *monitoring information to the entity.*

32 *10935. (a) A voluntary cooperative groundwater monitoring*
33 *association may be formed for the purposes of monitoring*
34 *groundwater elevations in accordance with this part. The*
35 *association may be established by contract, a joint powers*
36 *agreement, a memorandum of agreement, or other form of*
37 *agreement deemed acceptable by the department.*

38 *(b) Upon notification to the department by one or more entities*
39 *that seek to form a voluntary cooperative groundwater monitoring*

1 association, the department shall work cooperatively with the
2 interested parties to facilitate the formation of the association.

3 (c) The contract or agreement shall include all of the following:

4 (1) The names of the participants.

5 (2) The boundaries of the area covered by the agreement.

6 (3) The name or names of the parties responsible for meeting
7 the requirements of this part.

8 (4) The method of recovering the costs associated with meeting
9 the requirements of this part.

10 (5) Other provisions that may be required by the department.

11 10936. Costs incurred by the department pursuant to this
12 chapter may be funded from unallocated bond revenues pursuant
13 to paragraph (12) of subdivision (a) of Section 75027 of the Public
14 Resources Code, to the extent those funds are available for those
15 purposes.

16 SEC. 2. Section 12924 of the Water Code is repealed.

17 ~~12924. (a) The department shall, in conjunction with other~~
18 ~~public agencies, conduct an investigation of the state's groundwater~~
19 ~~basins. The department shall identify the state's groundwater basins~~
20 ~~on the basis of geological and hydrological conditions and~~
21 ~~consideration of political boundary lines whenever practical. The~~
22 ~~department shall also investigate existing general patterns of~~
23 ~~groundwater pumping and groundwater recharge within such basins~~
24 ~~to the extent necessary to identify basins which are subject to~~
25 ~~critical conditions of overdraft.~~

26 ~~(b) The department shall report its findings to the Governor and~~
27 ~~the Legislature not later than January 1, 1980.~~

28 SEC. 3. Section 12924 is added to the Water Code, to read:

29 12924. (a) The department, in conjunction with other public
30 agencies, shall conduct an investigation of the state's groundwater
31 basins. The department shall identify the state's groundwater
32 basins on the basis of geological and hydrological conditions and
33 consideration of political boundary lines whenever practical. The
34 department shall also investigate existing general patterns of
35 groundwater pumping and groundwater recharge within those
36 basins to the extent necessary to identify basins that are subject
37 to critical conditions of overdraft.

38 (b) The department shall report its findings to the Governor
39 and the Legislature not later than January 1, 2012, and thereafter
40 in years ending in 5 or 0.

1 *SEC. 4. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

6 ~~SECTION 1. Section 10920 is added to the Water Code, to~~
7 ~~read:~~

8 ~~10920. The department shall collect all available information~~
9 ~~as to the conditions of the state's groundwater information and~~
10 ~~produce a report on those conditions by January 1, 2012.~~

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